

REMARKS:

In the office action, claim 11 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. In addition, claims 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by German Patent No. DE 198 05 477 issued to Martens et al. (“DE ‘477”).

In this response, Applicants have amended claims 11 and 19. Claims 1-32 remain pending in this application. Reconsideration and withdrawal of the rejections and objections in view of the amendments and following remarks is hereby respectfully requested.

A. Rejection under 35 U.S.C. § 112, Second Paragraph:

Claim 11 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicants have amended claim 11 to change the term “groove-like” to --groove-shaped-- as suggested by the Examiner.

Withdrawal of the rejection to claim 11 under 35 U.S.C. 112, second paragraph, is respectfully requested.

B. Rejections under 35 U.S.C. § 102(b):

Claims 19 and 20 were rejected under 35 U.S.C. §102(b) as being anticipated by DE ‘477.

DE ‘477 describes a convertible top having roof parts 4 and 5. The roof part 5 is connected to the vehicle by a mechanism including links 6 and 7. Further, the roof part 5 is connected to the roof part 4 by a second mechanism having front link 10 and rear link 11 which are hinged directly to the first roof part 5 and the second roof part 4, respectively. See, e.g. Fig. 10.

Applicants have amended claim 19 to more clearly recite that the upper link mechanism is disposed between the link and the second roof part. As amended, claim 19 recites a convertible vehicle top comprising, among other features, a first roof part, a second roof part, an upper link mechanism, and a link pivotally connected to the first roof part “wherein the upper link mechanism is disposed between the link and the second roof part so as to connect the link to the second roof part.” Support for these features is found in the specification, for example, in

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Figs. 23-34 showing link 111a pivotally connected to first roof part 131 and second roof part 130, and upper link mechanism 120 disposed between the link 111a and roof part 130.

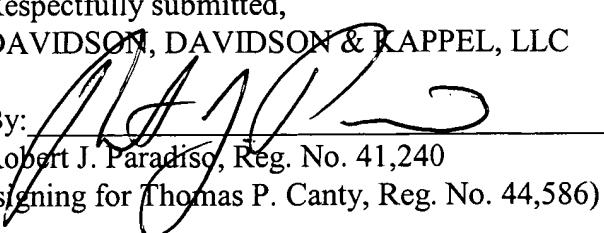
Applicants respectfully submit that DE '477 does not describe at least the feature of a link mechanism disposed between the link and the second roof part as recited in claim 19. The Examiner has asserted that DE '477 describes a first roof part 4, a second roof part 5, an upper link mechanism including links 6 and 7 and a link 11 pivotally connected to the first roof part. However, even if link 11 of DE '477 were deemed to be the link of claim 19, there is no link mechanism "disposed between" link 11 and either of the roof parts. On the contrary, as shown for example in Fig. 6 (and more clearly in Fig. 10 which more clearly shows the linkage without extraneous details), link 11 is connected directly to roof part 5 at pivot point 12. Thus, since link 11 is pivoted directly to roof part 4 there can be no link mechanism "disposed between" link 11 and the roof part 5. Nor is there a link mechanism disposed between the link 11 and roof part 4.

Accordingly, withdrawal of the rejection to claims 19 and 20 under 35 U.S.C. §102(b) is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. Should the Examiner feel that an interview would advance prosecution of the present application, the Examiner is invited to contact the undersigned.

Respectfully submitted,
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